

## In the Iowa Supreme Court

**Request for Public Comment** )  
**on Proposed New Iowa Rule of Civil** )  
**Procedure 1.431(10)—Hearings on** )  
**Temporary Family Law Orders** )

Order

CLERK SUPREME COURT

The Iowa Supreme Court seeks public comment on a proposed new rule of civil procedure addressing hearings on temporary orders pursuant to Iowa Code sections 598.10 and 600B.40A. The proposed rule 1.431(10) would require the court to conduct such hearings in the presence of the parties who have appeared for the hearing either in person, by telephone, or by video conference.

The proposed new rule follows from a recommendation of the supreme court's Family Law Case Processing Reform Task Force. The task force recognized that critical temporary matters having major impacts on the lives of family law litigants are too often being determined in chambers without the presence of the litigants themselves. The task force report, located at <http://www.iowacourts.gov/Administration/Reports/>, noted as follows:

Courts address virtually every issue that will impact the parties and the parties' children in the temporary matters hearing, including but not limited to child custody and visitation, child and spousal support, attorney fees, suit money . . . and court costs. Temporary hearings may also address property issues such as which party will receive exclusive possession of a previously shared home and which party is responsible for various family expenses during the case's pendency.

(Iowa Code citations omitted.)

A party who is displeased with a court's ruling on temporary matters and who was not present for the discussion leading to that ruling may understandably be frustrated or even confused about the process even though

the party's attorney is present to explain the situation. A requirement that such serious issues be determined within the presence of the parties would further judicial transparency and should increase the parties' trust and confidence in the courts and the court system.

Prior to further consideration of this proposed Iowa Rule of Civil Procedure 1.431(10), the supreme court seeks public comment on the proposal. The proposed new rule is provided with this order and may be found on the judicial branch website at: [www.iowacourts.gov/About\\_the\\_Courts/Supreme\\_Court/Orders/](http://www.iowacourts.gov/About_the_Courts/Supreme_Court/Orders/). In addition, copies are available at the office of the Clerk of the Supreme Court, Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319.

Any interested organization, agency, or person may submit comments regarding the proposed rule. Comments sent by email must be emailed to **rules.comments@iowacourts.gov**, must state **"Proposed Rule 1.431(10)"** in the subject line of the email, and must be sent **as an attachment to the email in Microsoft Word format**. Instead of submission by email, comments may be delivered in person or mailed to the Clerk of the Supreme Court, Judicial Branch Building, 1111 East Court Avenue, Des Moines, Iowa 50319.

Any comments received may be posted on the Iowa Judicial Branch website.

**The deadline for submitting comments is 4:30 p.m. on December 13, 2016.**

Dated this 13th day of October, 2016.

The Supreme Court of Iowa

By   
Mark S. Cady, Chief Justice